

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

LINDA A. ALLEN, in her Individual Capacity
and as Trustee of the GOLDEN ASSETS
SETTLEMENT TRUST;
BERRIEN COUNTY, MICHIGAN;
ST. JOSEPH CHARTER TOWNSHIP,
BERRIEN COUNTY, MICHIGAN

Defendants.

Case No. 1:25-cv-118

District Judge Paul L. Maloney

Magistrate Judge Phillip J. Green

**UNITED STATES' MOTION FOR ENTRY OF DEFAULT
BASED ON FAILURE TO ANSWER**

The United States of America, plaintiff, moves the Clerk under Fed. R. Civ. P. 55(a) to enter default against defendant Linda A. Allen, as Trustee of the Golden Assets Settlement Trust (“the Trust”) based on her failure to answer or otherwise plead in response to the United States’ claims against the Trust.

Ms. Allen was served in her individual capacity on February 11, 2025. ECF No. 10. Ms. Allen answered as a pro se litigant on March 3, 2025. ECF. No. 9. The United States also named the Trust as a defendant to this action. *See* ECF No. 21. The United States served the Trust by having a copy of the complaint and summons served upon Ms. Allen in her capacity as Trustee of the Trust on March 8, 2025. ECF No. 13. As this Court pointed out in its March 27, 2025 order, the trustee of a trust cannot represent the trust as a pro-se litigant. *See, e.g., Williams Huron Gardens 397 Trust v. Twp. of Waterford*, No. 18-12319, 2019 WL 2051967, at *3-4 (E.D. Mich. Feb. 28, 2019). Consequently, while Ms. Allen answered the complaint in her individual capacity, her answer cannot constitute an answer on behalf of the Trust. Pursuant to Fed. R. Civ.

P. 12(a)(1), the Trust was required to answer by March 31, 2025. However, the Trust has not answered the complaint or otherwise appeared in this case. Therefore, the Clerk should enter default against Linda A. Allen as Trustee of Golden Assets Settlement Trust pursuant to Fed. R. Civ. P. 55(a). The United States acknowledges that Ms. Allen has timely answered in her individual capacity and does not seek entry of default against Ms. Allen in her individual capacity.

Respectfully submitted,

/s/ Danielle E. Sumner
DANIELLE E. SUMNER
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 55, Ben Franklin Station
Washington, D.C. 20044
(202) 514-6508 (p) / (202) 514-5238 (f)
Danielle.Sumner@usdoj.gov

CERTIFICATE OF SERVICE

On June 5, 2025, I caused the foregoing Motion for Clerk's Entry of Default to be filed electronically with the Clerk of Court through ECF, and I caused a copy of the foregoing document and notice of electronic filing to be mailed by first-class mail, postage paid, to the following non-ECF participant:

Linda A. Allen
1619 Lyola Court
Benton Harbor, MI 49022

/s/ Danielle E. Sumner
Danielle E. Sumner
Trial Attorney
U.S. Department of Justice